

AMENDED IN SENATE APRIL 20, 2006

**SENATE BILL**

**No. 1278**

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**Introduced by Senator Alquist**  
**(Principal coauthor: Senator Alarcon)**  
**(Principal coauthor: Assembly Member Liu)**

February 10, 2006

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An act to amend Sections 8870, 8870.1, 8870.2, 8870.3, 8870.35, 8870.4, ~~and 8870.5, 8870.71~~ of 8870.71, 8870.9, 8870.95, and 12804 of, to add Section 8870.05 to, and to repeal Section 8870.25 of, the Government Code, relating to the Seismic Safety Commission.

LEGISLATIVE COUNSEL'S DIGEST

SB 1278, as amended, Alquist. Seismic Safety Commission.

The Seismic Safety Commission Act creates the Seismic Safety Commission in state government and requires it to report annually to the Governor and Legislature on its findings, progress, and recommendations relating to earthquake hazard reduction. Members of the commission are paid per diem expenses of \$50 for each day's attendance at a commission meeting.

*This bill would place the commission within the State and Consumer Services Agency as an independent unit.*

*Existing law establishes the membership of the commission to consist of 17 members.*

*This bill would increase the membership of the commission membership to 20 members.*

The commission is authorized to conduct a specific comprehensive investigation of a May 2, 1983, earthquake involving Coalinga, provide funding and expert technical assistance to the people of

Coalinga for planning and reconstruction, and prepare and publish a comprehensive report on the Coalinga earthquake.

This bill would increase the commission member's per diem to \$100, *with certain exceptions*, and would delete the commission's duties specific to the 1983 Coalinga earthquake.

*This bill would make technical corrections.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 8870 of the Government Code is  
2     amended to read:

3     8870. The Legislature finds and declares as follows:

4     ~~The work of the Legislature's Joint Committee on Seismic~~  
5     ~~Safety as well as that of the Governor's Earthquake Council~~  
6     ~~provides impressive and wide-ranging evidence for the~~  
7     ~~following:~~

8     First, many different agencies at various levels of government  
9     have substantial responsibilities in the fields of earthquake  
10    preparedness and seismic safety.

11    Second, there is a pressing need to provide a consistent policy  
12    framework and a means for coordinating on a continuing basis  
13    the earthquake-related programs of agencies at all governmental  
14    levels and their relationships with elements of the private sector  
15    involved in practices important to seismic safety. This need is not  
16    being addressed by any continuing state government  
17    organization.

18    Third, through concerted efforts of broad scope, coordinated by  
19    a Seismic Safety Commission, long-term progress should be  
20    made toward higher levels of seismic safety.

21    Fourth, *to provide and maintain effective policy guidance and*  
22    *leadership on seismic safety issues, and to fulfill its duties under*  
23    *this chapter, it is imperative that the State Seismic Safety*  
24    *Commission carry out its mission as an independent state*  
25    *agency, with direct access and accountability to the Governor*  
26    *and the Legislature.*

27    Fifth, it is not the purpose of this chapter to transfer to the  
28    commission the authorities and responsibilities now vested by  
29    law in state and local agencies.

1     *SEC. 2. Section 8870.05 is added to the Government Code, to*  
2     *read:*

3     8870.05. *This chapter shall be known, and may be cited, as*  
4     *the Seismic Safety Commission Act.*

5     *SEC. 3. Section 8870.1 of the Government Code is amended*  
6     *to read:*

7     8870.1. (a) *There is created in the state government a*  
8     *Seismic Safety Commission—~~which~~ as an independent unit within*  
9     *the State and Consumer Services Agency.*

10    (b) *The commission shall report annually to the Governor and*  
11    *to the Legislature on its findings, progress, and recommendations*  
12    *relating to earthquake hazard reduction, and any other seismic*  
13    *safety issues, as requested by the Governor or the Legislature.*

14    *SEC. 4. Section 8870.2 of the Government Code is amended*  
15    *to read:*

16    8870.2. (a) *The commission shall consist of 15 members*  
17    *appointed by the Governor and confirmed by the Senate, one*  
18    *member representing the Governor's Office of Emergency*  
19    *Services, one member representing the Division of the State*  
20    *Architect in the Department of General Services, one member*  
21    *representing the California State Building Standards*  
22    *Commission, one member appointed by the Senate Rules*  
23    *Committee, and one member appointed by the Speaker of the*  
24    *Assembly. The Seismic Safety Commission shall elect annually*  
25    *from its membership its own chairperson and vice chairperson*  
26    *and may replace them with other commissioners by majority*  
27    *vote. Commission members shall be residents of California.*

28    (b) *A quorum shall consist of ~~nine~~ 11 members if there are no*  
29    *vacancies, or else a majority of the members of the commission*  
30    *at the time.*

31    (c) *The Legislature declares that the individuals appointed to*  
32    *the commission are intended to represent the professions of*  
33    *architecture, planning, fire protection, public utilities, ~~electrical~~*  
34    *engineering, ~~mechanical engineering~~, structural engineering,*  
35    *soils engineering, geology, seismology, local government,*  
36    *insurance, social services, emergency services, and the*  
37    *Legislature and that such representation serves the public*  
38    *interest. Accordingly, the Legislature finds that for purposes of*  
39    *persons who hold this office the specified professions are*

1 tantamount to and constitute the public generally within the  
2 meaning of Section 87103.

3 *(d) The Seismic Safety Commission exists as a separate unit*  
4 *within the State and Consumer Services Agency, and has the*  
5 *functions of prescribing policy, holding meetings and setting*  
6 *dates of the meetings, conducting investigations, and holding*  
7 *hearings insofar as those powers are given by statute to the*  
8 *commission.*

9 *(e) The decisions and actions of the Seismic Safety*  
10 *Commission, with respect to exercising its authority and carrying*  
11 *out its duties under this chapter, or any other applicable law, are*  
12 *not subject to review by the Secretary of the State and Consumer*  
13 *Services Agency, but are final within the limits provided by this*  
14 *chapter.*

15 *(f) The Legislature further declares that the highest level of*  
16 *service that the individuals appointed to the commission can*  
17 *provide to the residents of California is to offer professional,*  
18 *unbiased, scientifically based advice to the Governor and the*  
19 *Legislature. To maintain this quality of service, it is imperative*  
20 *that the commission retain its functional autonomy and access to*  
21 *the Governor and the Legislature. As such, the commission shall*  
22 *retain its existing authority to issue reports, publications, and*  
23 *literature, as well as to sponsor legislation, and to take official*  
24 *positions on proposed state and federal legislation.*

25 *SEC. 5. Section 8870.25 of the Government Code is repealed.*

26 ~~8870.25. The initial Seismic Safety Commission membership~~  
27 ~~shall consist of seven members appointed by the Governor from~~  
28 ~~a list of not more than 16 nominees submitted to the Governor by~~  
29 ~~the Chairman of the Joint Committee on Seismic Safety, seven~~  
30 ~~members appointed by the Governor from a list of nominees~~  
31 ~~submitted to the Governor by the Governor's Earthquake~~  
32 ~~Council, an initial chairperson appointed by the Governor from a~~  
33 ~~nominee mutually agreed upon by the Chairman of the Joint~~  
34 ~~Committee on Seismic Safety and the Chairman of the~~  
35 ~~Governor's Earthquake Council, and one Member of the Senate~~  
36 ~~appointed by the Senate Rules Committee and one Member of~~  
37 ~~the Assembly appointed by the Speaker of the Assembly.~~

38 **SECTION 1.**

39 *SEC. 6. Section 8870.3 of the Government Code is amended*  
40 *to read:*

1 8870.3. (a) The membership of the Seismic Safety  
2 Commission shall be appointed by the Governor and confirmed  
3 by the Senate from lists of nominees submitted by organizations  
4 as listed below:

5 (1) ~~Four~~—*Three* members appointed from established  
6 organizations in the fields of architecture and planning, fire  
7 protection, public utilities, electrical engineering, and mechanical  
8 engineering.

9 (2) Four members appointed from established organizations in  
10 the fields of structural engineering, soils engineering, geology,  
11 and seismology.

12 (3) Four members submitted by the League of California  
13 Cities and the California State Association of Counties. ~~At least~~  
14 ~~one of these members shall be an official from a local building~~  
15 ~~enforcement agency.~~

16 (4) Three members appointed from established organizations  
17 in the fields of insurance, social services, and emergency  
18 services.

19 (b) One member shall be appointed from the Senate by the  
20 Senate Rules Committee, and one member shall be appointed  
21 from the Assembly by the Speaker of the Assembly. Each of the  
22 members appointed pursuant to this subdivision may designate  
23 an alternate who shall be counted toward a quorum, who may  
24 vote, and who may receive the expenses specified in Section  
25 8870.4.

26 *SEC. 7. Section 8870.35 of the Government Code is amended*  
27 *to read:*

28 8870.35. The term of office for each member of the Seismic  
29 Safety Commission shall be four years and each shall hold office  
30 until the appointment and qualification of his or her successor.  
31 However, of the initial commissioners, the Governor shall  
32 appoint seven members whose terms will expire two years after  
33 appointment and seven members plus the chairperson whose  
34 terms shall expire four years after appointment. All initial  
35 appointments shall be made by July 1, 1975. Any vacancies shall  
36 be immediately filled by the appointing power for the unexpired  
37 portion of the term in which they occur.

38 ~~SEC. 2.~~

39 *SEC. 8. Section 8870.4 of the Government Code is amended*  
40 *to read:*

1     8870.4. ~~The~~ (a) *Except as provided in subdivision (d), the*  
2 members of the Seismic Safety Commission shall serve without  
3 compensation but shall be paid per diem expenses of one  
4 hundred dollars (\$100) for each day's attendance at a meeting of  
5 the commission, plus actual necessary travel expenses as  
6 determined by Department of Personnel Administration rules.

7     (b) *The members of the Seismic Safety Commission that*  
8 *represent the Governor's Office of Emergency Services, the*  
9 *California Building Standards Commission, and the Division of*  
10 *the State Architect shall be employees in good standing of those*  
11 *respective entities. Any per diem and travel expense of those*  
12 *members of the commission shall be paid by the agencies that*  
13 *they represent on the commission, in compliance with applicable*  
14 *conditions or regulations set by the Department of Personnel*  
15 *Administration.*

16     SEC. 9. *Section 8870.5 of the Government Code is amended*  
17 *to read:*

18     8870.5. The commission, in the discharge of its  
19 responsibilities, may do any of the following:

20     (a) Accept grants, contributions, and appropriations from  
21 public agencies, private foundations, or individuals.

22     (b) Appoint committees from its membership, appoint  
23 advisory committees from interested public and private groups,  
24 and appoint ex officio members who shall not be entitled to vote,  
25 to advise the commission.

26     (c) Contract for or employ, with the approval of the Director  
27 of Finance, any professional services and research required by  
28 the commission or required for the performance of necessary  
29 work and services which, in the commission's opinion, cannot  
30 satisfactorily be performed by its officers and employees or by  
31 other federal, state, or local governmental agencies.

32     (d) Enter into agreements to act cooperatively with private  
33 nonprofit scientific, educational, or professional associations or  
34 foundations engaged in promoting seismic safety in California;  
35 ~~including activities under the California Earthquake Education~~  
36 ~~Act of 1984 (Chapter 11 (commencing with Section 2805) of~~  
37 ~~Division 2 of the Public Resources Code).~~ These associations or  
38 foundations may furnish materials for sale, and the commission  
39 may provide personnel services and office space therefor. Subject  
40 to rules and regulations adopted by the commission, all moneys

1 received from the sale of publications or other materials provided  
2 by an association or foundation shall be returned to the  
3 association or foundation for use in furthering seismic safety  
4 programs.

5 (e) Do any and all other things necessary to carry out the  
6 purposes of this chapter.

7 ~~SEC. 3.~~

8 *SEC. 10.* Section 8870.71 of the Government Code is  
9 amended to read:

10 8870.71. To implement the foregoing responsibilities, the  
11 commission may do any of the following:

12 (a) Review state budgets and review grant proposals, other  
13 than those grant proposals submitted by institutions of  
14 postsecondary education to the federal government, for  
15 earthquake related activities and to advise the Governor and  
16 Legislature thereon.

17 (b) Review legislative proposals related to earthquake safety to  
18 advise the Governor and Legislature concerning the proposals  
19 and to propose needed legislation.

20 (c) Recommend the addition, deletion, or changing of state  
21 agency standards when, in the commission's view, the existing  
22 situation creates undue hazards or when new developments  
23 would promote earthquake hazard mitigation, and conduct public  
24 hearings as deemed necessary on the subjects.

25 (d) In the conduct of any hearing, investigation, inquiry, or  
26 study that is ordered or undertaken in any part of the state,  
27 administer oaths and issue subpoenas for the attendance of  
28 witnesses and the production of papers, records, reports, books,  
29 maps, accounts, documents, and testimony.

30 (e) In addition, the commission may perform any of the  
31 functions contained in subdivisions (a) to (d), inclusive, in  
32 relation to disasters, as defined in subdivision (c) of Section  
33 8870.7, in connection with issues or items reported or discussed  
34 with the Office of Emergency Services at any commission  
35 meeting.

36 *SEC. 11.* Section 8870.9 of the Government Code is amended  
37 to read:

38 8870.9. ~~This act shall be known and cited as the Seismic~~  
39 ~~Safety Commission Act. Prior to \_\_\_\_\_, the Legislature shall hold~~  
40 ~~public hearings to receive testimony from the Seismic Safety~~

1 *Commission, any interested organizations, and members of the*  
2 *public or private sector. At the hearing, the Legislature shall*  
3 *receive testimony and other information concerning the mission,*  
4 *membership, duties, and operations of the commission.*

5 *SEC. 12. Section 8870.95 of the Government Code is*  
6 *amended to read:*

7 8870.95. The *Hospital Building Safety Board* established in  
8 Section 129925 of the Health and Safety Code shall report  
9 annually to the Seismic Safety Commission.

10 *SEC. 13. Section 12804 of the Government Code is amended*  
11 *to read:*

12 12804. The Agriculture and Services Agency is hereby  
13 renamed the State and Consumer Services Agency.

14 The State and Consumer Services Agency consists of the  
15 following: the Department of General Services; the Department  
16 of Consumer Affairs; the Franchise Tax Board; the Public  
17 Employees' Retirement System; the State Teachers' Retirement  
18 System; the Department of Fair Employment and Housing; the  
19 Fair Employment and Housing Commission; the California  
20 Science Center; the California Victim Compensation and  
21 Government Claims Board; the California African-American  
22 Museum; ~~and~~ the State Building and Standards Commission *and*  
23 *the Seismic Safety Commission.*